

# **EXHIBIT 4**

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

AMERICAN CIVIL LIBERTIES UNION, )  
et al., )

Plaintiffs, )

v. )

ALBERTO R. GONZALES, in his official )  
capacity as Attorney General of the United )  
States, )

Defendant. )

Civil Action No.  
98-CV-5591

**LAWRENCE FERLINGHETTI'S RESPONSES AND OBJECTIONS TO  
DEFENDANT'S FIRST SET OF INTERROGATORIES**

Pursuant to Rules 26 and 33 of the Federal Rules of Civil Procedure, Lawrence Ferlinghetti ("ACLU Member") responds and objects to Defendant Alberto R. Gonzales's First Set of Interrogatories ("Interrogatories") as follows:

**GENERAL OBJECTIONS**

1. ACLU Member objects to the Interrogatories to the extent the instructions and demands therein purport to impose obligations in addition to, beyond, or different from those set forth in the Federal Rules of Civil Procedure and the Rules of Civil Procedure of the United States District Court for the Eastern District of Pennsylvania.
2. ACLU Member objects to the Interrogatories to the extent they call for the identification or disclosure of information that is neither relevant to the claims and defenses of any party in this action nor reasonably calculated to lead to the discovery of admissible evidence. ACLU Member submits these responses and objections without conceding the relevance or materiality of the subject matter of any interrogatory.

that is neither relevant to the claims and defenses of any party in this action nor reasonably calculated to lead to the discovery of admissible evidence. Subject to the foregoing and to the General Objections, ACLU Member responds as follows: ACLU Member does not have any children under the age of 17. ACLU Member has no information responsive to this request for other ACLU members.

INTERROGATORY NO. 12

Identify the number or proportion of ACLU members who have provided a credit card number to a website in order to purchase membership, online content, and/or other items for sale, to make a donation, or to make a reservation (such as a rental car or hotel reservation).

RESPONSE TO INTERROGATORY NO. 12

ACLU Member objects to this Interrogatory because it calls for identification of information not within the possession, custody or control of the ACLU Member. ACLU Member further objects to the extent this Interrogatory calls for the identification of information that is neither relevant to the claims and defenses of any party in this action nor reasonably calculated to lead to the discovery of admissible evidence. Subject to the foregoing and to the General Objections, ACLU Member responds as follows: To the best of his recollection, ACLU Member has not provided a credit card to any websites. ACLU Member has no information responsive to this request for other ACLU members.

INTERROGATORY NO. 13

For each website plaintiff, identify a representative sample of webpages on your website which contains material about which you fear prosecution under COPA, as referenced in Paragraph 2 in the section titled "The Impact of COPA on ACLU Members" on page 24 of the Amended Complaint that "[P]laintiffs fear prosecution under COPA for communicating,

sending, displaying, or distributing material that might be deemed 'harmful to minors' by some community in the United States."

RESPONSE TO INTERROGATORY NO. 13

ACLU Member objects that this Interrogatory is unreasonably cumulative and duplicative of Document Request No. 1, and calls for identification of information that is in the public domain. ACLU Member also objects that the phrases used to define "representative sample," including "distribution of characteristics," "degree of explicitness of sexual content," and "population or universe" are vague and ambiguous. ACLU Member further objects that this Interrogatory calls for legal conclusions and is premature. Subject to the foregoing and to the General Objections, ACLU Member refers Defendant to the web content identified in the Amended Complaint and responds as follows: Examples of material that might be deemed "harmful to minors" by some community in the United States include:

- 1) The City Lights Books website has a section with a history of the "Howl" obscenity trial and photographs from the trial, located at <http://www.citylights.com/His/CLhowl.html>;
- 2) ACLU Member's work, which is available on a variety of poetry sites on the web, including the City Lights Books website.

INTERROGATORY NO. 14

For each website plaintiff, identify a representative sample of webpages on your website which you believe contains material that has serious literary, artistic, political, scientific and/or social value for adults.

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[Howl Turns 50](#)

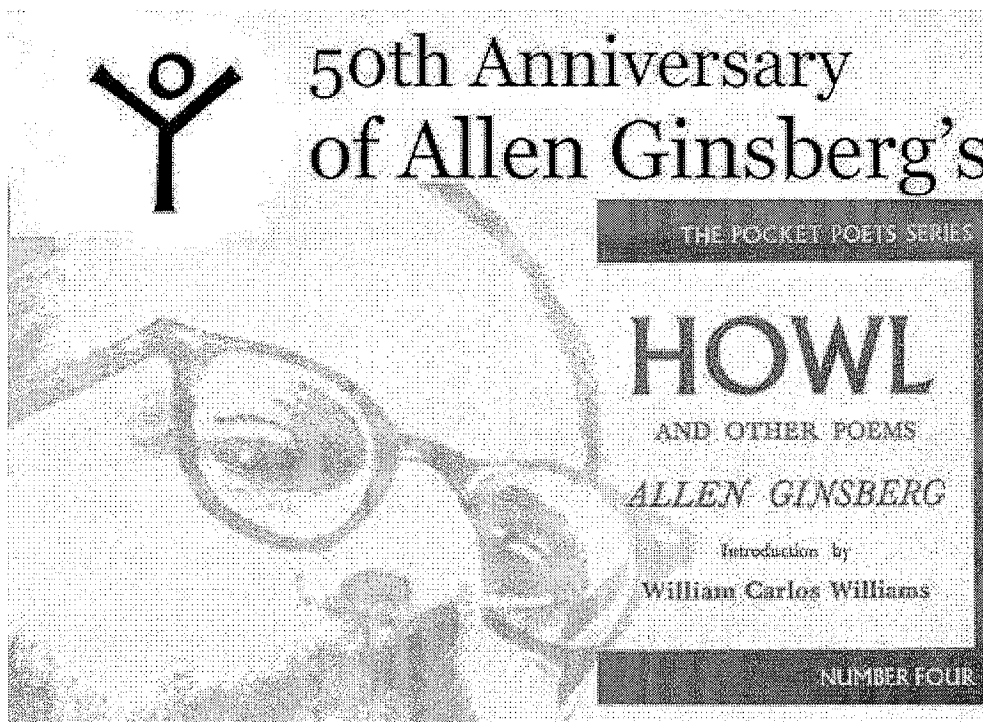
[A History of Howl](#)

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## HOWL TURNS 50!

This year poetry lovers across the country and around the world celebrate the 50th Anniversary of the first publication of *Howl and Other Poems* by Allen Ginsberg with readings and events. To commemorate the publishing of the book by City Lights – with nearly 1,000,000 copies in print – we present *Howl on Trial: The Battle for Free Expression*. Here is the inside story of editing, publishing, and defending the landmark poem within a broader context of obscenity issues and censorship of literary works. The City Lights edition of *Howl and Other Poems*, Number Four in the City Lights Pocket Poets Series, will continue to be available, as it has been all along, in the same format as when it was first published fifty years ago.

*Planning a Howl celebration in your neck of the woods? Let us know! We'll be happy to help spread the word. Email dates, times and events to us at [howl@citylights.com](mailto:howl@citylights.com).*

*Media inquiries please contact [Stacey Lewis](#)*

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